

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 864 OF 2024

Babbu Sandu Tadv

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Doifode Bharat Sahebrao

APP for Respondent/State : Mrs. D.S. Jape

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CORAM : S.G. MEHARE, J.

DATED : JULY 18, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.229 of 2022 registered with Pahur Police Station, District Jagaon for the offence punishable under Sections 302, 394, 457, 449 of the Indian Penal Code.
3. Two bail applications of the applicant filed early were rejected on merit. The applicant has been languishing in jail since 2022. The roznama placed on record clearly establishes that most of the time, the accused was not produced from the jail. Nobody was serious about getting the accused produced through jail and proceeding with the matter. Even after framing the charge, the prosecution did not make sincere attempts to protect the fundamental right of speedy trial enshrined under Article 21 of the Constitution of

India. Recently, the Hon'ble Supreme Court in the case of Javed Gulam Nabi Shaikh Vs. State of Maharashtra and Ors. MANU/SC/0609/2024 has expressed displeasure for not conducting the trial when the accused is under trial prisoner for a long period. The roznamas placed on record also do not show that the prosecution ever applied to the Court for directing the jailer to produce him or examining the witnesses on video conferencing. The approach of all appears to be not sincere. It seems casual. Nobody appears serious about following the Constitutional mandate to have a speedy trial. Considering the roznamas, it is uncertain when the trial will commence and finished. The case is just kept for a formal hearing. There is no stage in the trial after the charge has been framed. The prosecution is not sure that it would dispose of the trial speedily and protect the fundamental right of the accused.

4. In view of the ratio laid down by the Hon'ble Supreme Court in the case of Javed Gulam Nabi Shaikh (Supra), the applicant deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Babbu Sandu Tadv, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;

(3)

- (a) The applicant shall not tamper with the prosecution witnesses and shall attend the trial on every date.
- (b) The Court and the prosecution should be diligent in proceeding with the matters which are ready by all means and dispose of the trial on priority.

(S.G. MEHARE, J.)